

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff,

vs.

CIVIL ACTION  
NO. 1:CV 01-0725

COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY; CUMBERLAND  
COUNTY; S. GARETH GRAHAM,  
Individually, and JOSEPH  
OSENKARSKI, individually,  
Defendants.

(JUDGE YVETTE KANE)

Deposition of: **WILLIAM A. BRANDT**

Taken by : Defendant Cumberland County Court

Date : April 4, 2003, 9:30 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Cumberland County Courthouse  
One Courthouse Square  
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE  
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
BY: A. TAYLOR WILLIAMS, ESQUIRE  
For - Defendant Commonwealth of Pennsylvania  
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER  
BY: JAMES K. THOMAS, II, ESQUIRE  
PAUL J. DELLASEGA, ESQUIRE  
For - Defendant Cumberland County

1 Q Were you aware that Mr. Graham had been suspended by  
2 Judge Sheely for three days?

3 A. I think. There's a -- it's common knowledge now. I  
4 don't know if I knew at the time. I believe I did,  
5 because there was a joke in the office that he was  
6 suspended with pay, and we -- I'm sorry to bore you, but  
7 we joked that if we ever want to get suspended in the  
8 office we hope that it's with pay, I would take that  
9 kind of suspension. So that's the jest and that's the  
10 context how I knew that he was suspended.

11 Q In what context did you understand the reason for the  
12 suspension?

13 A. I knew it was involved with Barb in some shape or form  
14 but I didn't know details.

15 Q When did you first become aware of any allegation,  
16 contention or rumor that a sexual affair had existed  
17 between the two?

18 A. I think during their friendship, the period of time that  
19 I would describe as a friendly relationship.

20 Q And in what sense did you become aware? Was it  
21 something --

22 A. I think anyone of reasonable suspicion, maybe I'm not,  
23 but seeing a man and a woman spending that much time  
24 together that hadn't previously, there was thoughts in  
25 the back of my mind that is this something that's more

1           than -- is this extracurricular.

2       Q     All right. And was that a thought you ever heard  
3           anybody else articulate?

4       A.     Sure.

5       Q     Okay. Was that a thought you heard articulated  
6           generally within the office?

7       A.     Yes.

8       Q     And were there adherents both pro and con as to whether  
9           or not an affair was going on?

10      A.     I think everyone stayed the hell out of it, quite  
11           frankly. I don't recall. I think it was just general  
12           suspicions and the rumor mill of an exceptionally small  
13           office.

14      Q     When the relationship changed so abruptly between them  
15           as you've described, was there any subsequent rumor that  
16           the affair must have ended, to explain this sudden  
17           change in the relationship?

18      A.     Yes, but I mean, no one knew anything firsthand.

19      Q     But there was speculation about it?

20      A.     There was a lot of hypothesizing, yes.

21      Q     Did Mrs. Varner ever discuss with you that she was going  
22           to file a complaint against Graham for sexual  
23           harassment?

24      A.     I don't recall.

25      Q     Has she ever discussed her current case with you?

1 A. It's something we all bring on ourselves differently,  
2 but I would argue again, yes, that it would be.

3 Q Prior to the split, what was your understanding of how  
4 seniority was calculated in the combined Adult and  
5 Juvenile Probation Department?

6 A. My understanding from day one was years of service with  
7 the county.

8 Q Inside and outside of probation?

9 A. Correct. So if a maintenance man came to the Department  
10 not possessing even the prerequisites for our position,  
11 he would be more senior on the list than someone who had  
12 his doctorate.

13 Q Did that seniority system change at or about the time of  
14 the split?

15 A. Let me -- I'm not aware of any in-writing policy other  
16 than what I described to you was Judge Sheely's policy.  
17 And I never heard Judge Sheely say that out loud. And  
18 we were -- it was never tested, either, so that was  
19 something that we assumed. And there are many things we  
20 assumed on a day-to-day basis that never get tested.  
21 So, that was a very -- we don't know if that was the  
22 seniority but that was my understanding of it.

23 Q You did mention a written document, though?

24 A. Never prior to the split.

25 Q Oh, okay. But prior to the split, no written document?

1 A. Not to my recollection.

2 Q Mr. Osenkarski didn't discourage persons from  
3 approaching him, did he?

4 A. Never.

5 Q Would you say Mr. Osenkarski had an open door for issues  
6 that may have come up by his employees?

7 A. Absolutely.

8 MR. ADAMS: That's all the questions I have. Thank  
9 you.

10 BY MS. WILLIAMS:

11 Q Mr. Brandt, I'm Taylor Williams from the Supreme Court  
12 of Pennsylvania AOPC. I'm representing the Commonwealth  
13 of Pennsylvania Ninth Judicial District Court of Common  
14 Pleas of Cumberland County. The same ground rules that  
15 Mr. Dellasega spoke to you about still apply in our  
16 conversation, if you would.

17 You described a meeting that you had with Judge  
18 Hoffer?

19 A. Yes.

20 Q Did you keep any notes regarding that meeting?

21 A. Never.

22 Q Or make any contemporaneous --

23 A. No.

24 Q -- notes on a calendar?

25 A. I'm a horrible note taker, so no, I can emphatically say